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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,768	01/09/2006	Kouichi Matsuda	280025US6PCT	3211
22850 7590 08/05/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER TEKLE, DANIEL T				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 08/05/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/563,768

**Applicant(s)**

MATSUDA, KOUICHI

**Examiner**

DANIEL TEKLE

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 20, 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Interval Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 1, 3-4, 6-16 and 17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3-4, 6-16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 6,245,982), further in view of Mori et al. (US 7,711,241).

**Regarding Claim 1:** Suzuki et al. and Mori et al. discloses an audio reproduction method implemented by an audio reproduction apparatus, the method: obtaining, at the audio reproduction apparatus, a single audio data file having a data structure that includes audio data (**column 55 lines 5-58 of Mori et al.**), character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data (**column 8 lines 1-21**); generating, at the audio reproduction apparatus, an character image having the shape specified by said character data(**column 1 lines 39-47**), and displaying the generated image of character correspondingly to reproduction of audio data in according with the motion indicated by motion data (**column 8 lines 1-21**), wherein image of character is altered and displayed at a coordinate position at a specific time in audio reproduction (**column 8 lines 1-21**).

Suzuki et al. invention discloses a an audio data having audio data, character data defining a shape of a character and motion data defining a motion of character; except did not show these character are in a single audio data file; however Mori et al. discloses an automatic determiner that generates a scenario of video, based on the selection element selected by the selection unit and two other elements determined by the determination unit (**column 55 lines 5-58**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Mori et al. invention into Suzuki et al. invention in order to access two more character data from a single file.

**Regarding Claim 3:** Suzuki et al. discloses an audio reproduction method according to claim 1, wherein image of character data has a three-dimensional shape, and method further comprises: displaying the image of character from a viewpoint based on a predetermined input operation indicating the viewpoint (**column 8 line 64 to column 9 line 10**).

**Regarding Claim 4:** Suzuki et al. discloses an audio reproduction apparatus comprising: means for obtaining a single audio data file having a data structure that includes audio data (**column 55 lines 5-58 of Mori et al.**), character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data (**column 17 lines 39-67**), means for reproducing the audio data retained in means for retaining (**column 1 lines 39-47**), means for generating an image of character having the shape specified by the character data

(**column 8 lines 24-47**), and means for displaying the image of character generated by means for generating correspondingly to reproduction in of audio data by means for reproducing accordance with the motion indicated by motion data (**column 8 line 64 to column 9 lines 9**), wherein character image of character is altered and displayed at a coordinate position at a specific time in audio reproduction (**column 10 lines 53-64**).

Suzuki et al. invention discloses a an audio data having audio data, character data defining a shape of a character and motion data defining a motion of character; except did not show these character are in a single audio data file; however Mori et al. discloses an automatic determiner that generates a scenario of video, based on the selection element selected by the selection unit and two other elements determined by the determination unit (**column 55 lines 5-58**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Mori et al. invention into Suzuki et al. invention in order to access two more character data from a single file.

**Regarding Claim 6:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, wherein the image of character has a three-dimensional shape, and the audio reproduction apparatus further comprises (**column 8 line 64 to column 9 line 10**): means for indicating a viewpoint toward the image of the character having the three-dimensional shape (**column 8 line 64 to column 9 line 10**), wherein based on the viewpoint, the means for generating generates image of character as seen from the viewpoint (**column 8 line 64 to column 9 line 10**).

**Regarding Claim 7:** Suzuki et al. discloses an audio reproduction method according to claim 1, wherein said motion data is described in VRML (Virtual Reality Modeling Language) **(column 14 lines 52-53)**.

**Regarding Claim 8:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, wherein said motion data is described in VRML (Virtual Reality Modeling Language) **(column 14 lines 52-53)**.

**Regarding Claim 9:** Suzuki et al. discloses an audio reproduction method according to claim 1, further comprising: reading out the audio data and the character data from a storage medium at a same time **((column 7 lines 33-47 and column 8 lines 1-21))**.

**Regarding Claim 10:** Suzuki et al. discloses an audio reproduction method according to claim 1, further comprising: separating the character data from the single audio data file **(column 8 lines 1-21)**.

**Regarding Claim 11:** Suzuki et al. discloses an audio reproduction method according to claim 1, further comprising: detecting an identifier in the single audio data file indicating a presence of the character data within the single audio data file **(column 8 lines 42-57)**.

**Regarding Claim 12:** Suzuki et al. discloses an audio reproduction method according to claim 9, wherein the reading does not include reproducing an image signal **(column 6 lines 39-67)**.

**Regarding Claim 13:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, further comprising: means for reading out the audio data and the character data from a storage medium at a same time (**column 8 lines 1-21**).

**Regarding Claim 14:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, further comprising: means for separating the character data from the single audio data file (**column 18 line 64 to column 19 line 4**).

**Regarding Claim 15:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, further comprising: means for detecting an identifier in the single audio data file indicating a presence of the character data within the single audio data file (**column 9 lines 23-37**).

**Regarding Claim 16:** Suzuki et al. discloses an audio reproduction apparatus according to claim 13, wherein the means for reading does not reproduce an image signal (**column 8 lines 1-14**).

**Regarding Claim 17:** Claim 17 rejected for the same subject matter as claim 1 discussed above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621